

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RACHEL SCHMERLING and  
KEVIN SCHMERLING, H/W,  
Plaintiffs,**

**CIVIL ACTION**

**v.**

**NO. 17-3659**

**LM GENERAL INSURANCE COMPANY,  
INC., also known as and doing business as  
“LIBERTY MUTUAL,”  
Defendant.**

**ORDER**

**AND NOW**, this 6th day of November, 2018, upon consideration of Defendant’s Memorandum Regarding the Manner in Which this Lawsuit is to Be Presented to the Jury (Document No. 26, filed October 3, 2018), Plaintiff’s Memorandum Response to Defendant’s Memorandum Regarding the Manner in Which this Lawsuit is to Be Presented to the Jury (Document No. 27, filed October 19, 2018), and Defendant’s Reply Memorandum Regarding the Manner in Which this Lawsuit is to Be Presented to the Jury (Document No. 28, filed October 24, 2018), following a Final Pretrial Conference in this case on September 18, 2018, during which defendant made objections to plaintiffs’ pretrial submissions, **IT IS ORDERED** that the parties are prohibited from offering testimony or other evidence on underinsured motorist coverage and the settlement negotiations and agreement with the underlying tortfeasor. Defendant’s objections to plaintiffs’ pretrial submissions referencing Ms. Schmerling’s underinsured motorist benefits coverage or settlement are **SUSTAINED**.

**IT IS FURTHER ORDERED** that on or before November 27, 2018, plaintiff shall submit to the Court (Chambers, Room 12613), two (2) copies of (a) proposed jury instructions with pinpoint citations of authority for each point (ONE POINT PER PAGE) and (b) proposed

verdict sheets. Those submissions should comply in all respects with this Order, with the Court's prior Scheduling Order dated October 13, 2017 (Document No. 8), and with the Court's rulings during the Final Pretrial Conference on September 18, 2018.<sup>1</sup> The originals shall be filed with the Clerk of the Court.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**

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<sup>1</sup> Defendant's pretrial submissions comply with the Order dated October 13, 2017. None of the Court's rulings on these issues at the Final Pretrial Conference applied to defendant.